

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, August 10, 2004, the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner
Jay Stovall, Commissioner

APPEARANCE

Wayne Budt
Centralized Services/ Transportation

(290) In the matter of the approval of Commission minutes for the week of August 2, 2004.

Commissioner Stovall moved to approve the minutes for the week of August 2, 2004.
Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Mike Lee
Utility Division

(291) In the matter of 3 Rivers Communication's request for a commission Investigation of MCI long distance prices, Docket D2004.6.87:

Commissioner Schneider moved to issue a NCA accepting Three Rivers' withdrawal of its request of the investigation of MCI pricing and include other supporting references related to intercarrier compensation issues. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Mike Lee
Legal Division/ Utility Division

(292) In the matter annual certification of ETC's, Docket N2004.7.121:

Commissioner Jergeson moved to approve issuance of the letter to ETC's with the discussed editorial changes. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Tina Shorten
Utility Division

(293) In the matter of CLEC forum and LTPA, Docket D2003.4.45:

Commissioner Schneider moved to adopt the final report on unresolved issues in the CLEC forum and in the LTPA process, subject to the modifications and editorial changes discussed. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE
Al Brogan, Leroy Beeby
Legal Division, Utility Division

(294) In the matter of Wilder Resorts, dba Fairmont Hot Springs, application for authority to increase rates and charges for water service, Docket D2003.10.152:

Commissioner Schneider moved to adopt the final order subject to any editorial modifications. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE
Martin Jacobson
Legal Department

(295) In the matter of the PSC investigation of 2000-2001 Electric Marketing Activity. A protective order has been requested, Docket D2004.2.21:

Commissioner Schneider moved to approve the protective order consistent with the Supreme Court decision in Great Falls Tribune and the Commission's subsequent work on protective orders. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE
Martin Jacobson, Will Rosquist
Legal Division/ Utility Division

(296) In the matter of the Yellowstone Valley Electric Co-operative complaint against NorthWestern Energy, Docket D2004.3.43:

Commissioner Rowe moved to dismiss the territorial integrity aspect of the complaint and that the Territorial Integrity Act is an important part of Montana law; and determine that the line extension portion of the complaint fails to state a claim upon which relief can be granted, as NorthWestern Energy submitted information concerning its tariffs and that the tariff is being followed. An appropriate action by Yellowstone would be a complaint against the tariff, or a complaint that the tariff is not being followed, if Yellowstone has information supporting such a claim. Commissioner Stovall seconded the motion, which passed 4-1, with Commissioner Jergeson voting nay.

APPEARANCE

Robin McHugh, Al Brogan
Legal Division

(297) In the matter of NorthWestern Energy Bankruptcy Placeholder to consider authorizing counsel to file an objection under seal to preserve the Public Service Commission's rights:

Commissioner Brainard moved to authorize filing an objection under seal to preserve the Public Service Commission's rights. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE
Robin McHugh, Al Brogan, Kate Whitney
Legal Division, Utility Division

(298) In the matter of NorthWestern Energy Bankruptcy Proceedings, discussion of post-bankruptcy approaches to acquisition activity:

Commissioner Jergeson moved to direct staff to develop a set of standards for post bankruptcy acquisition by the Public Service Commission. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE
Laura Calkin, Wayne Budt
Centralized Services/ Transportation Division

(299) In the matter of the Commission's discussion of payment of fiscal year 2005 NARUC and NRRI dues:

Commissioner Schneider moved to approve paying the dues. Commissioner Jergeson seconded the motion, which passed unanimously.

Commissioner Jergeson moved to approve out of state travel for Joel Tierney for NAPSAR. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE
Kate Whitney
Utility Division

(300) In the matter of the Commission's discussion of budget/personnel discussion of the proposal for revising Program Manager/ Engineer position and to remove legislative monitoring and docket management:

Commissioner Schneider moved to authorize Kate to develop a position description to fill the

responsibilities described for regional transmission support and pipeline safety backup and to submit it directly to the Department of Administration for classification. Commissioner Stovall seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Friday, August 13, 2004, the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner (via telephone)
Greg Jergeson, Commissioner

Commissioner Jay Stovall was absent for this work session, but telephoned his vote to the commission secretary later that day.

APPEARANCE
Will Rosquist, Eric Eck
Utility Division

(301) In the matter of the Commission's discussion of NorthWestern Energy 2004 Electric Default Supply Resource Supply Procurement Plan:

Commissioner Jergeson moved to adopt the proposed plan and issue a notice for comments. Commissioner Schneider seconded the motion, which passed 4-1. Commissioner Stovall voted nay.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)